

## **ORDINANCE NO. O2014-020**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, related to standards for the siting of pole banners, wayfinding signs, and residential neighborhood association signs amending Chapter 18.44 Signs of the Tumwater Municipal Code (amending Ordinance Nos. O2014-006, O2010-029, O2009-004, O2006-034, O2000-004, O96-022, Amended, O95-035, O94-018, Ord. 1254, Ord. 883).

**WHEREAS** the GMA requires that the City of Tumwater adopt development regulations, including zoning, that are consistent with and implement its Comprehensive Plan; and

**WHEREAS** the City of Tumwater has prepared the amendments to the Municipal Code that are included in this ordinance, in accordance with the City of Tumwater Citizen Participation and Intergovernmental Coordination Policy (Resolution No. 418); and

**WHEREAS** these amendments meet the intent of and are consistent with the State Environmental Policy Act, the Washington State Growth Management Act, County-wide Planning Policies, and internal goals and policies of the Tumwater Comprehensive Plan; and

**WHEREAS**, the City of Tumwater forwarded the amendment to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; who acknowledged receiving the amendment on November 5, 2014; and

**WHEREAS** a Determination of Nonsignificance was issued on October 8, 2014, in accordance with the State Environmental Policy Act (SEPA) (chapter 43.21C RCW) and in compliance with Chapter 16.04 of the Tumwater Municipal Code; and

**WHEREAS** the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2006) on takings was reviewed and utilized by the City in objectively evaluating the amendments proposed by this ordinance; and

**WHEREAS** the Tumwater Planning Commission held a public hearing on October 14, 2014, and considered all testimony and evidence before making a recommendation to City Council; and

**WHEREAS** the Tumwater City Council, after considering all of the testimony and evidence, finds that the amendments support the health, safety and welfare and are in the best interests of the residents of the City of Tumwater;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 18.44.015 of the Tumwater Municipal Code is hereby amended to read as follows:

**18.44.015 Definitions.**

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the following meanings:

A. "A-board sign" or "sandwich board sign" means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self standing.

B. "Advertising vehicle" means any vehicle or trailer placed on a public right-of-way, on public property, or on private property, having attached thereto or located thereon any sign or advertising device which advertises a product, business or service, or directs people to a business or activity located on the same or nearby property or any premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operated during the normal course of business. Franchised buses or taxis are specifically excluded from this definition.

C. "Awning" means a rigid shelter that projects outward from a building and has a cloth or lightweight cover, through which light cannot pass.

D. "Awning, illuminated" means a rigid shelter that projects outward from a building and has a cloth or lightweight cover, which is designed to be illuminated from within.

E. "Banner" means any sign of lightweight fabric or similar material.

F. "Business day" means any day other than Saturday, Sunday, or a legal holiday.

G. "Canopy" means a rigid shelter that projects outward from a building and has a rigid cover.

H. "Corporate flag" means a flag that carries a logo, trademark or corporate seal of a company or organization and does not carry another commercial message.

I. "Exterior wall" means any wall or element of a wall or any member or group of members which defines the exterior boundaries or courts of a building and which has a slope of sixty degrees or greater with the horizontal plane.

J. "Fascia" means any relatively narrow vertical surface that is projected or cantilevered or supported on columns or on an element other than a wall below.

K. "Flag" means a piece of cloth, attached to a staff or pole, with distinctive colors, patterns or symbolic devices, used as a symbol for a government, corporation, or other organization.

L. "Freestanding sign" means any sign which is supported by one or more uprights, poles or braces permanently mounted in or upon the ground.

M. "Hours of operation" means the actual hours when the building is open for business or in preparation of opening or closing.

N. "Indirect lighting" means a method of illuminating signs in which light shines onto the sign from a light source not visible from public view.

O. "Industrial park" means a multiple building complex.

P. "Inflatable signs" means balloons or other gas-filled figures. For purposes of this section, inflatable signs shall be treated as temporary signs.

Q. "Mansard roof" means a roof or roof-like facade with a slope of sixty degrees or more from the horizontal and architecturally able to be treated as a building wall.

R. "Monument sign" means a freestanding sign in which the entire bottom of the sign is mounted on and permanently attached to the ground. A monument sign shall not be more than six feet in height.

S. "Multiple building complex" means a group of two or more commercial or industrial structures sharing a common development plan.

T. "Multiple tenant building" means a single structure housing two or more commercial or industrial businesses that share the same lot, access and/or parking facilities.

U. "Off-premises sign" means any sign used for the purpose of identifying or directing attention to a business, product or service not located on the lot where such sign is displayed.

V. "Parapet wall" means that part of any wall entirely above the roofline.

W. "Pedestrian-oriented sign" means any sign intended to attract pedestrian traffic that is at a ninety-degree angle to the adjacent building face. The sign may either be suspended beneath a pedestrian weather protection structure or be attached to and project from the building wall.

X. "Pennants" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other device, usually in series, designed to move in the wind.

Y. "Point-of-purchase sign" means any exterior sign that suggests a specific product or service being available for purchase at or near the sign location. An example of this type of sign is a menu board at a drive-up window.

Z. "Pole Banner" means a banner mounted to city-owned facilities for the purpose of identifying the city, a district, a subarea, a neighborhood, public education facilities, or city-sponsored events.

AAZ. “Public facade” means any side of a commercial building having a doorway open for regular ingress and egress by customers. For purposes of determining sign size allowances on multiple tenant facilities having individual entrances for businesses, the “public facade” of a particular business shall mean that portion of the total public facade upon which the business has frontage.

BBAA. “Ribbons” has the same meaning as pennants.

CCBB. “Roofline” means where a wall meets the roof.

DDCC. “Shopping center” means multiple building complex.

EEDD. “Sign” means any visual communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. A sign shall not be considered to be a building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way set forth in this section.

FFEE. “Sign of an official nature” means any sign posted by a local government agency that is necessary to protect and regulate the public health, safety and welfare. Such signs include traffic or pedestrian directional and control signs, public safety warnings or hazards signs, and official public notice signs.

GGFF. “Sign structure” means any structure that supports or is capable of supporting any sign defined in this code.

HHGG. “Streamers” has the same meaning as pennants.

IIHH. “Street banner” means a banner advertising a community event occurring in Tumwater or an event funded by the Tumwater lodging tax intended to increase tourism and advertise events for the enjoyment of the community that is suspended over a city street and mounted on either side to city owned banner mounting facilities in compliance with the Tumwater Street Banner Policy.

JJH. “Temporary sign” means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time only.

KKJJ. “Translucent panels” means a method of illuminating signs in which the light source is obscured from view by a panel that allows light to pass through but diffuses it so that the lighting source cannot be distinguished.

LLKK. “Valance” means the leading edge or vertical surface of an awning or canopy.

MMLL. “Wall sign” means any sign attached to or painted directly on a wall, or erected against a wall of a building being parallel to said wall; and does not exceed a distance of fifteen inches from said wall.

NN. “Wayfinding sign” means a city-owned sign that is used, as part of an organized plan, to direct, welcome, and orient people toward destinations and attractions.

(Ord. O2014-006, Amended, 6/17/2014; Ord. O2009-004, Amended, 05/19/2009; Ord. O2006-034, Amended, 07/17/2007; Ord. O2000-004, Amended, 07/18/2000; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Added, 07/19/1994)

**Section 2.** Section 18.44.070 of the Tumwater Municipal Code is hereby amended to read as follows:

**18.44.070 Exemptions.**

The following signs ~~shall be permitted anywhere within the city and~~ are exempt from the permit requirements of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance.

Exempt signs are:

A. Construction signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the construction of a project, but not including advertisement of any products, during the construction period, and thirty days after an occupancy permit has been issued, to a maximum area of thirty-two square feet per surface with a total of sixty-four square feet per user, not to exceed four signs per project;

B. 1. Signs pertaining to the sale, lease or rental of developed residential property or buildings up to eight square feet in area, limited to one sign per street frontage;

2. Signs advertising undeveloped residential property for sale, or the sale, lease or rental of commercial or industrial property of buildings up to thirty-two square feet in sign area;

C. Names of buildings, commemorative tablets and the like when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent-type construction, made an integral part of the structure, and projecting no more than two inches from the wall;

D. Signs directing traffic movement or parking into a premises or within a premises, not exceeding four square feet in area, and between three and five feet in height for each sign. Such sign may include an identification logo, but no wording except as related to directions;

E. Signs not exceeding four square feet in area, attached flat against a building, stationary and not lighted, announcing only the names or occupation of the building tenant; provided, that not more than one such sign shall be allowed on any face of a building;

F. Governmental or corporate flags with a total area of thirty square feet or less, which are flown from a permanent pole or standard in conjunction with the

national flag of the United States in conformance with United States Public Law 93-344;

G. Signs which are within a ball park or other similar public or nonprofit recreational facility and are intended to be primarily viewed from within that facility;

H. Seasonal displays and decorations not advertising a product, service or entertainment;

I. Signs warning the public against hunting, fishing, trespassing, dangerous conditions, animals, swimming, or the like;

J. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties;

K. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding the right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title;

L. Protest or picket signs;

M. Any special event signs or displays such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions:

1. Such displays shall conform to the height restrictions for permitted signs; and

2. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year; and

N. Signs up to four square feet which show the meeting location for a service club or fraternal organization.

(Ord. 095-035, Amended, 12/19/1995; Ord. 094-018, Amended, 07/19/1994; Ord. 1254, Amended, 02/05/1991; Ord. 883, Added, 05/06/1984)

**Section 3.** Section 18.44.080 of the Tumwater Municipal Code is hereby amended to read as follows:

**18.44.080 Prohibited signs.**

The following signs are prohibited:

A. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device or

which hides from view any traffic or street sign or signal, or which obstructs the view in any direction at a street or road intersection;

B. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, and which bear the words “stop,” “caution,” “danger,” “warning,” or similar words;

C. Signs which contain or consist of spinners, strings of light bulbs, blinking or fluctuating lights, or other similar or moving devices, except public service signs, or changing message center signs which show time and temperature only;

D. Signs which are pasted or attached to utility poles, trees, other signs, rocks, or other natural features. This ~~does not~~ is not intended to prohibit the use of pole banners, wayfinding signs, or engraved rocks used as monument signs;

E. Except as provided in TMC 18.44.075, any sign which is not permanently anchored or affixed to the ground, structure or building, including any sign displayed on an abandoned vehicle or trailer. This regulation shall not be deemed to prohibit advertising on moving vehicles on public streets;

F. Signs erected upon, against or directly above the roof or on top of or above the parapet of a building, or located on any portion of a parapet which is located more than twenty-four inches higher than the main roofline of a building (for the purposes of this section, the face of a mansard roof or fascia shall not be considered to be a part of the roof);

G. Signs which are the primary use of the land on which they are located, except those allowed under this chapter, except also those allowed by conditional use permit;

H. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related;

I. Signs which are located upon or projecting over public streets, sidewalks or rights-of-way, except signs of an official nature, pole banners, wayfinding signs, or street banners;

J. Signs which are attached to fences, except those signs erected in conformance with TMC 11.20.100(G) and 18.44.070(G); and

K. Freestanding signs which are greater than thirty feet in height.  
(Ord. O2014-006, Amended, 6/17/2014; Ord. O2006-034, Amended, 07/17/2007; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

**Section 4.** Section 18.44.140 of the Tumwater Municipal Code is hereby amended to read as follows:

#### **18.44.140 Residential zone districts.**

The following regulations shall apply to all residential zone districts (RSR, residential/sensitive resource; SFL, single-family low density residential; SFM,

single-family medium density residential; MFM, multifamily medium density residential; MFH, multifamily high density residential):

A. A sign not to exceed six square feet may be permitted to identify the occupant, permitted home occupation and address;

B. One thirty-two-square-foot monument sign may be permitted for each street frontage to identify the name of the ~~residential development or multiple-unit residential building of five~~ eight units or more;

C. One thirty-two square-foot monument sign may be permitted to identify the name of a neighborhood association or residential development of five units or more at each entrance;

~~D.~~ Any sign located within the front or side yard area shall comply with fence height regulations, as outlined in TMC Chapter 18.46; and

~~E.~~ One sign having a total of twelve square feet may be permitted to identify each nonresidential use, except home occupations which are limited by subsection A of this section.

~~F.~~ In all residential zone districts, the height of any freestanding sign shall not exceed six feet.

~~G.~~ Agriculture uses on lots less than one acre in size are allowed a single twelve-square-foot sign. Agriculture uses on lots one acre and larger are allowed a single thirty-two-square-foot sign for each street frontage.

(Ord. O2010-029, Amended, 06/07/2011; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

**Section 5. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 7. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.



**Section 8. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this 18<sup>th</sup> day of November, 2014.

CITY OF TUMWATER

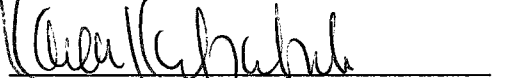


Pete Kmet, Mayor

ATTEST:

  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

  
Karen Kirkpatrick, City Attorney

Published: 11-20-2014

Effective Date: 12-20-2014